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Mr. Anthony Knight, Supervisory Patent Examiner
US Patent Office, Washington, D.C. 20231

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GROUP 3600

Official

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Re: US Pat. Appln. S/N 08/894,211 (PCT National Stage, filed July 30, 1997)

"EXTENDIBLE AND RETRACTABLE ELEMENTS AND VARIOUS USES FOR THE ELEMENTS"

Our File: 0878

Dear Mr. Knight,

I would like to summarize the discussions we have had recently by telephone after our August 22, 2001 meeting. Although at the end of the meeting it had been agreed that a modified preamble would enable claim 1 to be allowable, there remains a misunderstanding of the type of language needed for this. I had hoped to meet with you again on this matter on Oct. 16/17 but you indicated in our phone discussion of October 10, 2001 that this would not be useful.

The Examiner expressed the following points in our phone discussion of October 10, 2001:

1. The "field-of-use" limitations acceptable to the Examiner in the preamble are to be written as a closed list, limited to the fields covered in the previously indicated allowable claims, only for these embodiments.
2. The Examiner does not feel the invention is patentable outside of these areas.
3. Language preserving a broad interpretation of the list of fields, leaving room for others, will not be acceptable.
4. The Examiner is concerned that he is unable to search all of fields in which the invention is applicable, and therefore he is unable to properly search the prior art. By way of example, the Examiner indicated that if the invention had a "billion" applications, how would he search them?

The Applicant wishes to summarize his position as follows:

1. The Applicant earnestly believes that the invention is applicable to many fields, not a closed list.
2. The Examiner has not found any prior art substantially similar to the invention as defined by claim 1.
3. As the Examiner can verify, the Applicant has been granted 3 similar US Patents on extendible-retractable devices: 5,322,334, 5,324,086 (currently in reissue proceedings), and 5,881,601 (after successful appeal), none of which were limited by field-of-use restrictions. There is no requirement in the patent law for field-of-use restrictions.
4. The searching task of the Examiner appears to have become the focus, not the merits of the invention itself.

It is very unfortunate that the current prosecution has not been completed to date, and the Applicant is therefore delayed in producing his invention in products which include solutions for personal security, which is an important topic, especially today, with applications even in security devices against skyjacking incidents.

The Applicant and the undersigned do not understand the Examiner's position, blocking the path to issuance. Specifically, as was stated earlier at an earlier stage, the initial Final Rejection was premature, and placed the Applicant at a disadvantage, due to problems with the entry of the PCT Sec. 34 amendments. Although the finality of the rejection was later withdrawn, again Applicant is faced with a Final Rejection. The Examiner has conceded that some of the cited prior art is no longer appropriate, and these citations were withdrawn. The Applicant has faced three examinations: a PCT IPER, Ex. Ackerman's comments, and the current exam. There has never been a consistent examination procedure enabling an in-depth analysis of the issues.

For example, the Applicant finds it strange and not realistic that the Examiner rejects, for example, claim 47 to the field of toys by adopting the position that "A toy is anything that can be used for amusement". With this reasoning, anything is a toy, depending on the user's intention. Intent has never been a structural limitation.

The Applicant's position can be stated simply: The invention is widely applicable to many fields, and deals with a motion transmission and multiplication system, for use with devices or systems requiring extension and retraction. The inventive motion transmission system has elements which move simultaneously, with controllably reversible motion, in a hand-movable system, operable from either end of the construction, without a requirement for a base to support the elements. The motion of the linking means is adjustably multipliable, with the linking means adjustably arranged on the elements. No field-of-use restrictions are required for patentability over the prior art.

A proposed claim with markings to show changes is attached to this letter, with a preamble that leaves open the possibility of adapting the invention to many fields. It is hoped that this format is acceptable to the Examiner.

It is respectfully requested that the Applicant's attorney be given a chance to review once again the proposed claim language with the Examiner. Otherwise, the appeal process and a thorough review will be necessary. Thank you for your consideration.

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[Signature]

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It is proposed to amend Claim 1 as follows:

1. (Four times amended) A motion transmission and multiplication system for use with systems, devices or structures that require movement of segments, to enable extendable and retractable motion, such as cleaning systems, measuring systems, hand-movable tools, music instruments and accessories, electrical and telecommunication devices, transportation and delivery systems, shades, sailing boats, chairs, tripods, tables and tents, said motion transmission and multiplication system comprising:

at least first and second [hand-holdable] elements each having anterior and posterior ends, said elements extending in the same orientation, each element having at least one point thereon connectable to a tool or other object; and

at least a first means linking said first and second elements and being movable with respect to at least one of them, said first linking means also being connectable to an additional element;

said first linking means being arranged on said elements such that when said first linking means is [provided] moved with a controllably reversible driving motion with respect to either of said anterior and posterior ends of a selected reference one of either of said first and second elements, wherein said driving motion is in a direction [in line] in-line with said orientation,

then said first and second elements, and if connected, said additional element are simultaneously provided with a controllably reversible and multipliable, non-gravity dependent, linear-to-linear driven motion with respect to each other [in line] in-line with said orientation,

said driven motion being in the same direction as said driving motion, or reverse thereto, in accordance with which reference one of said first and second elements was selected in respect of said driving motion.

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